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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,482	04/23/2001	Chanh C. Vo	HE0146	5733

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CORNING CABLE SYSTEMS LLC
P O BOX 489
HICKORY, NC 28603

EXAMINER

LE, THANH TAM T

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,482

Applicant(s)

VO ET AL.

Examiner

Thanh-Tam T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-10, 12-13 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al. (5,297,199) in view of Waas (6,188,560 B1).

Graham et al., figures 6 and 9, disclose a wire termination device for providing a demarcation with subscriber lines (12) comprising a base (16) having a plurality of subscriber terminals (30, 31) and a telephone jack (40) with tip and ring contacts (43, 44), a moveable cover (24) associated with the base to be selectively closed thereon, a conductive contact (70, 71) provided on the cover that is disposed within the jack when the cover is closed onto the base. The conductive contact having a portion that electrically connects with the jack contacts when the cover is closed.

Graham et al. disclose the instant claimed invention as described above except for the conductive contact also being accessible from the exterior of the cover for providing a test contact against which a test probe.

Waas, figure 5, discloses a multi-wire terminal block having a cover (106) is provided external test contact element (112). The external test contact element is established as a raised portion of the of the protection contact element (102) adapted to receive a test probe (see Waas, column 11, Waas teaches contacts must protected by

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grease and that grease required a reservoir in order to reservoir to work it must be on top). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modified Graham et al. to place test contacts on the top as taught by Waas because Waas teaches the test contacts must be protected by grease and the grease would be best contained on top. If it was on the side, it may run off.

Regarding claim 2, it is noted that Waas, figures 5 and 6, discloses the conductive contact is recessed within a cavity disposed on a forward portion of the cover.

Regarding claims 4-6, 8-10 and 12, the combination of Graham et al. and Waas disclose the cover comprise plug assembly having a prong portion and wherein the conductive contact comprises a metallic strip disposed along a side of the prong portion and having an outwardly biased portion. Wherein the jack has a conductive member on a lateral sidewall that is engaged by the metallic strip when the cover is closed. The conductive member being electrically connected to the jack contact.

Regarding claim 15, it is noted Waas, figure 5, discloses a pair of test probe access holes in the cover to permit the test probe to contact each test contact.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al. and Waas as applied to claim 7 above, and further in view of Chalmers (4,201,432).

The combination of Graham et al. and Waas disclose the instant claimed invention except for a flexible metallic strip.

Chalmers, figure 4, discloses an electrical connector having a resilient contact arm (34) which is read as a flexible metallic strip. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the flexible metallic strip as suggested by Chalmers, in order to reflect in the same direction on insertion (see Chalmers, column 1, lines 29-37).

Response to Arguments

4. Applicant's arguments filed 1/10/02 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In this case, Graham et al. fail to show the conductive contact being accessible from the exterior of the cover. Waas teaches contacts must protected by grease and that grease required a reservoir in order to reservoir to work it must be on top. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modified Graham et al. to place test contacts on the top as taught by Waas because

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Waas teaches the test contacts must be protected by grease and the grease would be best contained on top. If it was on the side, it may run off.

The combination of Graham et al. and Waas fail to show a flexible metallic strip. Chalmers discloses an electrical connector having a resilient contact arm (34) which is read as a flexible metallic strip, in order to reflect in the same direction on insertion.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is (703) 306-5711. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

TL
February 24, 2002



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800